

§ 179. Nuclear Weapons Council

(a) Establishment; Membership.— There is a Nuclear Weapons Council (hereinafter in this section referred to as the “Council”) operated as a joint activity of the Department of Defense and the Department of Energy. The membership of the Council is comprised of the following officers of those departments:

- (1)** The Under Secretary of Defense for Acquisition, Technology, and Logistics.
- (2)** The Vice Chairman of the Joint Chiefs of Staff.
- (3)** The Under Secretary for Nuclear Security of the Department of Energy.
- (4)** The Under Secretary of Defense for Policy.

(b) Chairman; Meetings.—

(1) Except as provided in paragraph (2), the Chairman of the Council shall be the member designated under subsection (a)(1).

(2) A meeting of the Council shall be chaired by the Under Secretary for Nuclear Security of the Department of Energy whenever the matter under consideration is within the primary responsibility or concern of the Department of Energy, as determined by majority vote of the Council.

(3) The Council shall meet not less often than once every three months. (c) Staff and Administrative Services; Staff Director.—(1) The Secretary of Defense and the Secretary of Energy shall enter into an agreement with the Council to furnish necessary staff and administrative services to the Council.

(2) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs shall be the Staff Director of the Council. (3)

(A) Whenever the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs has been vacant a period of more than 6 months, the Secretary of Energy shall designate a qualified individual to serve as acting staff director of the Council until the position of that Assistant to the Secretary is filled.

(B) An individual designated under subparagraph (A) shall possess substantial technical and policy experience relevant to the management and oversight of nuclear weapons programs.

(d) Responsibilities.— The Council shall be responsible for the following matters:

- (1)** Preparing the annual Nuclear Weapons Stockpile Memorandum.
- (2)** Developing nuclear weapons stockpiles options and the costs of such options.
- (3)** Coordinating programming and budget matters pertaining to nuclear weapons programs between the Department of Defense and the Department of Energy.
- (4)** Identifying various options for cost-effective schedules for nuclear weapons production.
- (5)** Considering safety, security, and control issues for existing weapons and for proposed new weapon program starts.
- (6)** Ensuring that adequate consideration is given to design, performance, and cost tradeoffs for all proposed new nuclear weapons programs.
- (7)** Providing broad guidance regarding priorities for research on nuclear weapons.
- (8)** Coordinating and approving activities conducted by the Department of Energy for the study, development, production, and retirement of nuclear warheads,

including concept definition studies, feasibility studies, engineering development, hardware component fabrication, warhead production, and warhead retirement.

(9) Preparing comments on annual proposals for budget levels for research on nuclear weapons and transmitting those comments to the Secretary of Defense and the Secretary of Energy before the preparation of the annual budget requests by the Secretaries of those departments.

(10) Providing—

(A) broad guidance regarding priorities for research on improved conventional weapons, and

(B) comments on annual proposals for budget levels for research on improved conventional weapons, and transmitting such guidance and comments to the Secretary of Defense before the preparation of the annual budget request of the Department of Defense.

(e) Report on Difficulties Relating to Safety or Reliability.— The Council shall submit to Congress a report on any analysis conducted by the Council with respect to difficulties at nuclear weapons laboratories or nuclear weapons production plants that have significant bearing on confidence in the safety or reliability of nuclear weapons or nuclear weapon types.

(f) Annual Report.— Each fiscal year, at the same time the President submits the budget pursuant to section 1105 of title 31, the Chairman of the Council, through the Secretary of Energy, shall submit to the congressional defense committees a report, in classified form, on the following:

(1) The effectiveness and efficiency of the Council, and of the deliberative and decisionmaking processes used by the Council, in carrying out the responsibilities described in subsection (d).

(2) A description of all activities conducted by the Department of Energy during that fiscal year, or planned to be conducted by the Department of Energy during the next fiscal year, for the study, development, production, and retirement of nuclear warheads and that have been approved by the Council, including a description of—

(A) the concept definition activities and feasibility studies conducted or planned to be conducted by the Department of Energy;

(B) the schedule for completion of each such activity or study; and

(C) the degree to which each such activity or study is consistent with United States policy for new nuclear warhead development or warhead modification and with established or projected military requirements.

(3) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

(4) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program as of that date.

(5) An assessment of the extent to which the requirements referred to in paragraph (4) are being addressed by the Department of Energy as of that date.